IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE

S/S Benson Hill Road, 590' W * ZONING COMMISSIONER of Yeoho Road (2313 Benson Hill Road) * OF BALTIMORE COUNTY 5th Election District 3rd Councilmanic District * Case No. 91-435-A

James D. Lamont, et ux Pelitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 45 feet in lieu of the minimum required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The pictoral evidence indicated the dramatic topography of the subject site which dictated the location of the proposed addition. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the a corner at a point at lands now or formerly of Clarkson Dewey Cox, said point being in the N 610 34: 30" E, 1244.0

Reginning for the a corner at a point at lands now of E, 1244.0 Clarkson Dewey Cox, said point being in the N 610 34; 30" E, 1244.0 foot line of a Deed recorded among the Land Records of Baltimore foot line of a Deed recorded among the Land Records of Baltimore County in Deed Liber 5072, Page 628, said point being 545.00 feet from the beginning thereof; then with a portion of said line and the from the beginning thereof; then with a portion of said line and the outline of said Deed reversely (1) S 610 34; 30" W, 545.00 feet to apoint at lands now or formerly of Betsy F. Bacon: then by lands of a point at lands now the same (2) N 330 01; 00" M, 353.10 feet to a point at lands now or formerly of Eary A. Weaver: then by lands of the same and lands or formerly of Blain B. Fielder (3) N 630 16; 00" E, 273.90 now or formerly of Blain B. Fielder (3) N 630 16; 00" E, 273.90 feet to a point; then by lands now or formerly of Blain B. Fielder feet to a point; then by lands now or formerly of Blain B. Fielder (4) N 490 00! 00" E, 328.00 feet to a point in Benson Hill Road; (4) N 490 00! 00" E, 328.00 feet to a point in Benson Hill Road; then in and along said road (5) N 670 01; 40" E, 50.00 feet to a point in said road; then leaving said road by the following lines point in said road; then leaving said road by the following lines of division now established (6) S 180 41; 31" E, 416.54 feet to a point, the place of beginning.

Being a tract of land lying in the southwestern portion of the lands which by Deed dated January 8, 1970, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5072, Page 628, was conveyed by Patricia A. Onstot to Raymond F. Plum, and Hanne F. Plum,

heirs and assigns, in fee simple, all that parcel

point, the place of beginning.

his ife.

Containing 5.0023 Acres (neat measure) of land.

of the ground, situate, lying and being in

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1944 day of June, 1991 that the Petition for Residential Variance to permit a rear yard setback of 15 feet in lieu of the minimum required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed

addition to be converted to a second dwelling unit

and/or apartments. The subject dwelling shall contain only one kitchen. 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-

ment Division to make an inspection of the subject property to insure compliance with this Order.

for Baltimore County

JRH:bjs

CASE NUMBER 91-435-A



Sun Thomas





For I Giran Comme



PETITIONER'S EXHIBIT#

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as foliows:
That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(

is/a rega	rd thereto.
	That the Affiant(s) does/do presently reside at 3313 Benson Mikk Road
	SPARKS, MD 21152
_	(Address)
for	That based upon personal knowledge, the following are the facts upon which I/we base the real Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
	Sun Room ADD. Tran To South Side of House - etHER SIDES OF
	HOUSE HAVE ShoPING TERRAIN.
	HOUSE HAVE ShoriNG TERRAIN.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bruce L temont AFFIANT (Handwritten Signature) NANCY H. Lamont

AFFIANT (Drinted Name) LAMES D. LAMONT AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

PETITION FOR RESIDENTIAL VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described

IN A RCZ ZUNETO PERMIT A BACK YARD SETBACK OF

Sun Read HDD. Tion To South Side of PRESENT House Due To Sto Pance

this Petition.

(Type of Prior Name)

Name, address and phone number of legal owner, contract

purchaser or representative to be contacted.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Legal Owner(s):

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of

" MADE

the description and plat attached hereto and made a part hereof, petition for a Variance from Section _

15 FEET IN LIEU OF THE REQUIRED STEET TO PROPERTY LINE OTHER THAN

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

ORDERED by the Zoning Commissioner of Baltimore County, this 6711 day of 104. 1991, that the subject matter of this

IT IS FURTHER DRDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(indicate hardship or practical difficulty)

TERRAIN ON OTHER SIDES OF HOUSE

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

petition be posted on the property on or before the Six day of May, 19 91

Room 108, County Office Building in Towson, Baltimore County, on the _____ day of

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

1) STAGE LING

Contract Purchaser:

(Type or Print Name)

Attorney for Petitioner:

(Type or Print Name)

Attorney's talephone number

City/State/Zip Code

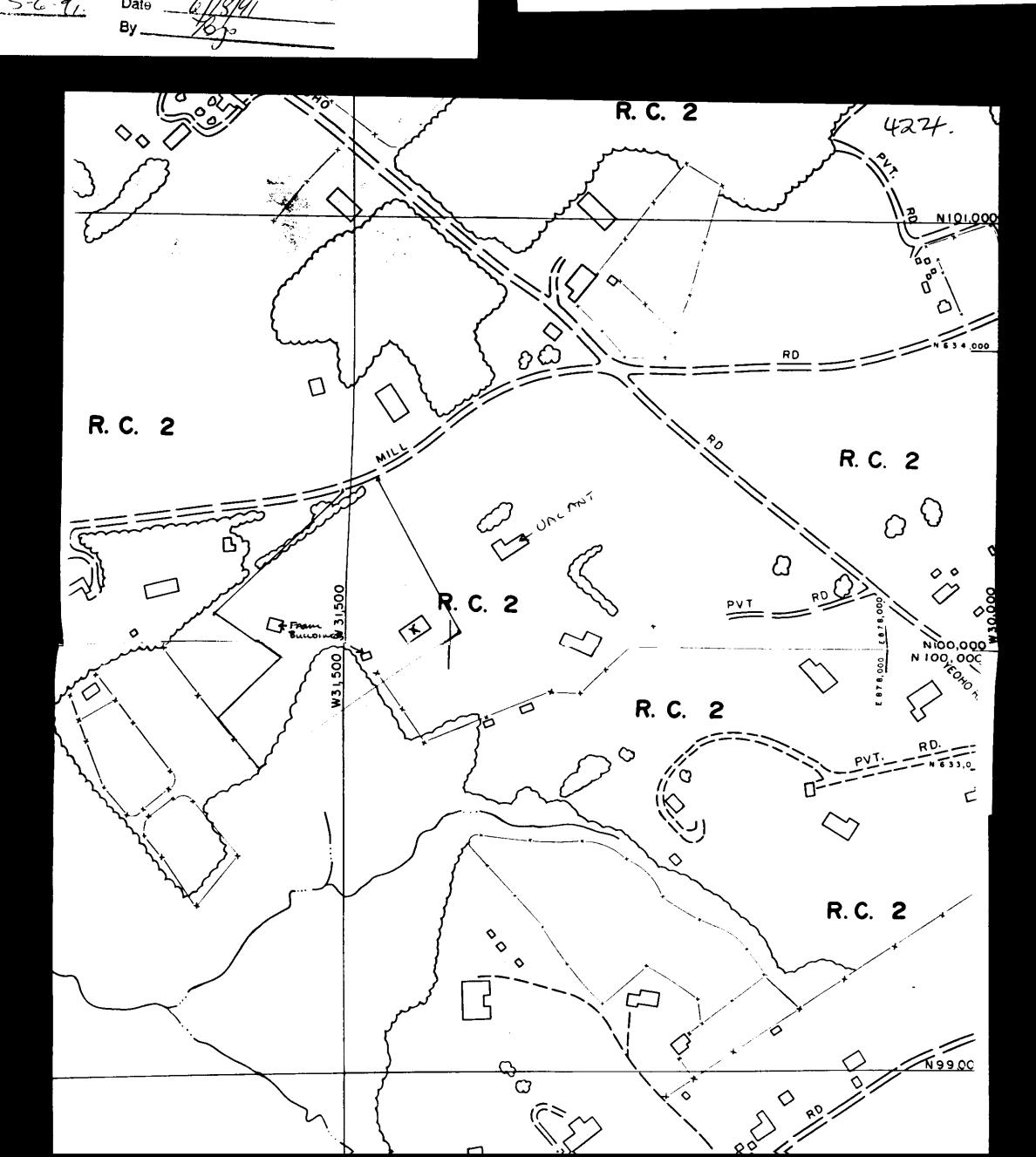
I HEREBY CERTIFY, this Ast day of Mary aforesaid, personally appeared Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES D LAMONT + NANCY M LAMONT the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

MAY 151 1991

Setty J. Helston
NOTARY FUBLIC



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

June 18, 1991

Mr. & Mrs. James D. Lamont 2313 Benson Mill Road Sparks, Maryland 21152

RE: PETITION FOR RESIDENTIAL VARIANCE S/S Benson Hill Road, 590' W of Yeoho Road (2313 Benson Mill Road) 5th Election District - 3rd Councilmanic District James D. Lamont, et ux - Petitioners Case No. 91-435-A

Dear Mr. & Mrs. Lamont:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

BUREAU OF TRAFFIC ENGINEERING

DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

This office has no comments for items number 424, 425, 426, 428 and 430.

Traffic Engineer II

Mr. J. Robert Haines

Zoning Commissioner

Rahee J. Famili

Z.A.C. MEETING DATE: May 21, 1991

SUBJECT: Z.A.C. Comments

BVI/IVd

J. ROBERT HAINES / Zoning Commissioner for Baltimore County

DATE: May 30, 1991

Very truly yours,

JRH:bjs

cc: People's Counsel

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

June 11, 1991

887-3353

Mr. & Mrs. James D. Lamont 2318 Benson Mill Road Sparks, MD 21152

> RE: Item No. 424, Case No. 91-435-A Petitioner: James D. Lamont, et ux Petition for Residential Variance

Dear Mr. & Mrs. Lamont:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Chairman

Zoning Plans Advisory Committee

Enclosures

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887 4500

MAY 21, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Froperty Owner: JAMES D. LAMONT #2313 BENSON HILL ROAD

Location:

Zoning Agenda: MAY 21, 1991

Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: At Joseph Jelly 5/3/4/ Approved Carotan Division

REVIEWER: At Joseph Jelly 5/3/4/ Approved Fire Prevention Bureau

Special Inspection Division

JK/KEK

ZOTANG DAFFOE!

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

Your petition has been received and accepted for filing this

O. ROBERT HAINES

Received By:

ZONING COMMISSIONER

Zoning Plans Advisory Committee

887 3353

111 West Chesapeake Avenue

6th day of May, 1991.

Petitioner: James D. Lamont, et ux

Petitioner's Attorney:

Towson, MD 21204

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DESCRIPTION AND STREET TO STREET AND STREET COMMUNICATIONS OF THE STREET COMMUNICATION OF THE STREET COMMUNICATION

The Devel perm Unside emine Dividi manner reviewed the subject tomang items and we have as comments in b Items 424, 401, 426, 408 and 430. For Item 400, a County Review Group Meeting may be

> Robert W. Howling, F.E. Chief Povelogors Engineering Division

RWE: :

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: June 3, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: James D. Lamont, Item No. 424 Elwood L. Ulmer, Item No. 426 Thomas P. Ogle, Sr., Item No. 428 Leslie J. Polt, Item No. 430

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVAR/ZAC1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120+

May 23, 1991

887 3353

Mr. & Mrs. James D. Lamont 2323 Benson Hill Road Baltimore, Maryland 21204

Re: CASE NUMBER: 91-435-A LOCATION: S/S Benson Hill Road, 590' W of Yeoho Road 2323 Benson Hill Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391

May 7, 1991

Attention: John Alexander Baltimore County Zoning Office Development Control

We the undersigned have no objections to the zoning variance #424, for Mr. & Mrs. James Lamont of 2313 Benson Mill Road, Sparks, 21152.

We also state that we are the owners of the adjoining property located to the south of the Lamont home.

signed Jun Thyant address 16326 Yeo Ho Road, Sparks, MD 21152 signed Malcohy NIU graff

Petitioner: Location of property: A War was a war war Location of Signs Land Sand Marin Marin Marin Marin To the the property Date of return: 11) 14 21 1971 Posted by Sumber of Signs:

CERTIFICATE OF POSTING ZOMBIG DEPARTMENT OF BALTIMORE COUNTY

Posted for:

address 16326 Yeo Ho Road, Sparks, MD 21152

ZONING DEFICE

